

**77-32-704 Application and qualification for fund money.**

- (1) Any participating county may apply to the board for benefits from the fund if that county has incurred, or reasonably anticipates incurring, expenses in excess of \$20,000 in the defense of an indigent for felony offenses in violation of state law arising out of a single criminal episode.
- (2) No application shall be made nor benefits provided from the fund for cases filed before September 1, 1998.
- (3)
  - (a) If the application of a participating county is approved by the board, the board shall negotiate, enter into, and administer a contract with counsel for the indigent and costs incurred for the defense of that indigent, including fees for counsel and reimbursement for defense costs incurred by defense counsel.
  - (b) Fees for counsel and reimbursement for defense costs of an indigent are as follows:
    - (i) \$20,000 or more shall be paid from the fund; and
    - (ii) up to \$20,000 shall be paid by the participating county.
- (4) Nonparticipating counties are responsible for paying indigent costs in their county and shall not be eligible for any legislative relief. However, nonparticipating counties may provide for payment of indigent costs through an increase in the county tax levy as provided in Section 77-32-307.
- (5) This part may not become effective unless the board has received resolutions before August 1, 1998, from at least 15 counties adopted as described in Subsection 77-32-702(2).

Amended by Chapter 333, 1998 General Session